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60,426-204; 2000P07848US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Morrison
Serial No. 09/915,033
Examiner: Holloway, Edwin C., III
Group Art Unit: 2635
Filed: 7/25/01
Title: Remote Entry Transmitter With Transmission Identification Codes

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Dear Sir:

At the outset, applicant notes that there has been an extremely long period of time between the final rejection mailed May 3, 2005 and the prior response mailed March 1, 2004. Applicant asks that the Patent Office ensure that a term extension be assigned as appropriate upon final allowance of this application.

The claims stand rejected over the references to Lambropoulos, combined with Prosan and Guerin, et al. The claimed invention utilizes a code for a remote entry transmitter, wherein the code is indicative of a time and date associated with the assignment of the code.

The examiner proposes to reject these claims over the Lambropoulos and Prosan references, which basically show the known remote entry products. These known products do not record any dates.

60,426-204; 2000P07848US01

Thus, the examiner is forced to turn to the Guerin, et al. patent. However, this rejection is improper.

Essentially, Guerin, et al. relates to the provision of an access key to users wherein the access key would desirably be allowed to expire under certain conditions. As an example, the access key may be used by mail carriers to provide access to apartment buildings. Should the key be lost, it would be desirable that it expire, rather than having an unauthorized user have access to the apartment building. Thus, and for example disclosed in column 4, the keys may be periodically re-authorized. A lock seeing the key would check the date of authorization. If the date of authorization is as stored in the lock, then access might be permitted, provided the actual code is also proper. If the date of authorization is less than the most recent date of authorization, then an assumption may be made that the key may be lost/stolen. If the date of authorization on the key is newer than the date stored in the lock, then the lock will update its date of authorization, and assumes the key has been properly as a re-authorization.

None of these features would provide any benefit into the Lambropoulos/Prosan product. One does not "re-authorize" periodically the access code to remote entry transmitters for vehicles. Instead, and generally as known, these codes periodically synchronize between the transmitter and a receiver. There would be no benefit from anything disclosed in Guerin, et al. into the combination of Lambropoulos/Prosan.

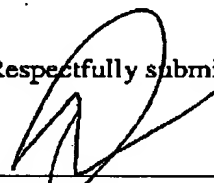
The examiner states that these distinctions are not important since the claims do not specifically exclude the applications of Guerin, et al. This misses the point of a proper 103 rejection. The examiner must show that the Guerin, et al. reference can be properly combined with Lambropoulos/Prosan. To do so requires some benefit be provided by the proposed

60,426-204; 2000P07848US01

combination. There is no benefit that would flow from the Guerin, et al. disclosure to the combination of Lambropoulos/Prosan. As such, the combination is improper and should be withdrawn.

Applicant asks for reconsideration of this rejection. All claims are properly allowable. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,




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Dated: July 5, 2005

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 872-9306, on July 5, 2005.



Laura Combs